



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

May 22, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE BRATHWAITE BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

**MOTION TO OPPOSE THE GOVERNOR'S PROPOSAL TO REPEAL THE STATE MANDATE UNDER THE BROWN ACT THAT LEGISLATIVE BODIES PROVIDE PUBLIC NOTICE AND ADVANCE POSTING OF THEIR AGENDA PRIOR TO A MEETING (ITEM NO. 21, AGENDA OF MAY 27, 2203)**

Item No. 21 on the May 27, 2003 Agenda is a motion by Supervisor Yaroslavsky to oppose the Governor's May Revision Proposal to repeal the Brown Act Requirement that local legislative bodies post a public notice of the time and place of their meetings and a description of their agendas 72 hours prior to meeting, and instruct the County's Legislative Advocates to oppose the provision's inclusion in the State Budget.

As explained in the May Revision: "This mandate requires local governments to perform activities that any responsible public agency should perform without being mandated to do so, and retaining it would continue the State's obligation to pay the cost." Since reimbursement of this and other mandates would be deferred under the Governor's Budget, repeal of the public notice requirement will not save any money in the budget year. However, depending upon whether the proposal includes school districts, it would reduce the State's obligation to reimburse local governments at some future time by approximately \$9 million to \$12 million annually. The impact on the County, based upon claims filed for FY 2002-03, would be a loss of \$282,337 of which \$215,028 is for the Executive Office of the Board of Supervisors.

The Governor's proposal assumes that repeal of the State law requiring public notice will not result in the end of the practice. Given the critical importance of public notice in assuring public awareness and participation in governmental decisions, the question is whether the matter should be left to local option and ultimately the good intentions of

local decision makers. While Los Angeles County would respect the spirit of the Brown Act and continue to give public notice, there are literally thousands of local legislative bodies throughout California, many of which are not very visible. It would be extremely difficult to determine which of them stopped giving public notice or continued to give notice but in an untimely or incomplete fashion that reduced public awareness and involvement. Most importantly, a citizen or the media would no longer have a legal basis to object and demand the restoration of a meaningful public notice procedure.

Opposition to the Governor's proposal to eliminate the mandate on local governments for public notice is consistent with the Board's commitment to the spirit and letter of the Brown Act as reflected in its actions of April 2, 2002, which put into place County requirements that exceed those of the Brown Act. The elimination of this requirement, including its uniform standards for compliance, would be bad public policy whose consequences could diminish public awareness and participation in governmental decision making.

DEJ: GK  
MAL:JR:ib

c:     Executive Officer, Board of Supervisors  
       County Counsel  
       Sheriff  
       District Attorney  
       Office of Independent Review